

1 Tom Weathered #115207
999 16th Street, #7.
2 San Francisco, CA 94107
Tel. (415) 865-0399
3

4 Attorney for Plaintiff
Malika Khan
5
6
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11
12 MALIKA KHAN,

13 Plaintiff,

14 vs.

15 MICHAEL J. ASTRUE, Commissioner, Social
16 Security Administration

17 Defendant
18

NO. 09-CV-3731-LHK
STIPULATION AND ORDER AWARDING
ATTORNEY FEES UNDER THE EQUAL
ACCESS TO JUSTICE ACT (28 U.S.C.
§ 2412(d))
19)

19 IT IS HEREBY STIPULATED by and between the parties through their
20 undersigned counsel, subject to the approval of the Court, that Plaintiff be
21 awarded attorney fees under the Equal Access to Justice Act (EAJA), in the
22 amount of FOUR THOUSAND dollars (\$4,000). This amount represents
23 compensation for all legal services rendered on behalf of Plaintiff by counsel in
24 connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

25 After the Court issues an order for EAJA fees to Plaintiff, the government
26 will consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's
27 attorney. Pursuant to *Astrue v. Ratliff*, – S.Ct. – , 2010 WL 2346547 (U.S. June 14,
28 2010), the ability to honor the assignment will depend on whether the fees are

subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to be made directly to Plaintiff's attorney pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and costs, and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees and costs in connection with this action.

This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.

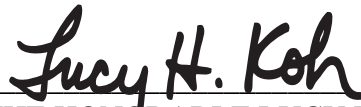
Dated: November 19, 2010 By: /s/ TOM WEATHERED
Attorney for Plaintiff

MELINDA L. HAAG
United States Attorney

Dated: November 19, 2010 By: /s/ ARMAND ROTH
(As authorized via e-mail)
Special Assistant United States Attorney
Attorneys for Defendant

IT IS SO ORDERED.

Dated: January 28, 2011



THE HONORABLE LUCY H. KOH
United States District Judge